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IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION

IN RE ALAN WAYNE STREBECK and
LINDA JOYCE STREBECK,
Debtors,

Bankruptcy No. 10-36036
(Chapter 7)
Bankruptcy Court, Dist. of Utah

THOMAS SMITH, et al.,
Plaintiffs,
v.
ALAN WAYNE STREBECK, et al.,
Defendants.

Adversary Proceeding No: 11-02242
Judge: William T. Thurman

**MOTION TO WITHDRAW THE
REFERENCE OF ADVERSARY
PROCEEDING 11-2242**

Pursuant to 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011, and DUCivR 83-7.4, plaintiffs Thomas Smith and Sandra Yee-Smith (“Plaintiffs”) hereby move for an order withdrawing the reference of this action to the Bankruptcy Court, and to hear and decide this adversary proceeding in the District Court, for the reasons set forth in the supporting memorandum filed concurrently herewith. Withdrawal of the reference is mandatory under 28 U.S.C. § 157(d) because resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce. Withdrawal of the reference is also appropriate because cause exists under 28 U.S.C. § 157(d) for the reasons specified in the supporting memorandum, including analysis of the factors described in *Western Utah Copper Co. v. Bridge Loan Capital Fund, LP*, No. 2:10-cv-1039-TS, 2011 WL 52511, and the factor of

whether Bankruptcy Courts have the final adjudicative power over claims in this action. Plaintiffs further request that in the interest of judicial economy, if the reference to some claims is withdrawn, the reference to the entire adversary proceeding should be withdrawn.

Pursuant to DUCivR 83-7.2(f), Plaintiffs request that the Clerk of the Bankruptcy Court transmit a certified copy of this motion and all papers filed in support of or in opposition to this motion to the United States District Court for the District of Utah for review and consideration by the District Court

This motion is based upon this motion, the accompanying memorandum of points and authorities, an accompanying ex parte application seeking an order transmitting this case to the district court; all pleadings and records on file in this matter, and such other authority and argument as may be presented in any reply and at the hearing on this motion.

Date: January 4, 2013

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/s/ Victor Sipos
Victor A. Sipos, attorney for Plaintiff